

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201903377	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/08/2019 7:30 AM	Location of Incident: [REDACTED]	Precinct: 67	18 Mo. SOL 10/8/2020	EO SOL 5/25/2021	
Date/Time CV Reported Fri, 04/19/2019 11:00 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/19/2019 11:00 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT David Grieco	03830	940216	INT CIS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Besnik Bojkovic	9214	954556	067 PCT
2. POM Ethan Chan	04717	956512	067 PCT
3. POM Matthew Kelly	09342	960754	067 PCT
4. POM Johnny Lau	10650	940362	067 PCT
5. POF Jessica Quiros	24054	951101	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT David Grieco	Abuse: Sergeant David Grieco entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.SGT David Grieco	Abuse: Sergeant David Grieco searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]

Case Summary

On April 19, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of herself and her grandson, § 87(2)(b).

At the time of the incident, § 87(2)(b) was on parole. § 87(2)(b) registered § 87(2)(b)'s home at § 87(2)(b) as his residence. At approximately 8:11 a.m. on April 8, 2019, several parole officers, under the supervision of Senior Parole Officer Paul Taylor, as well as several officers from the 67th Precinct, including Sergeant David Grieco and Police Officer Besnik Bojkovic, traveled to § 87(2)(b). Both the parole officers and the police officers entered the house (Allegation A: Abuse of Authority – Entry of premises, § 87(2)(g)) and searched its interior (Allegation B: Abuse of Authority – Search of premises, § 87(2)(g)). The search found two firearms in the house's living room. Both § 87(2)(b) and § 87(2)(b) were arrested in regards (Board Review #01).

Thirteen clips of body-worn camera (BWC) footage were obtained from several officers from the 67th Precinct, including Sergeant Grieco. It is attached in IAs #41-53 (Board Review #02-14) and summarized in IA #55 (Board Review #15).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant David Grieco entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant David Grieco searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) was interviewed at the CCRB on May 29, 2019. § 87(2)(b)'s attorney, § 87(2)(b), asked that the CCRB not take a statement from § 87(2)(b) due to the ongoing criminal case. Sergeant Grieco was interviewed at the CCRB on September 19, 2019. Senior Parole Officer Taylor was interviewed at the CCRB on January 8, 2020.

It is undisputed that § 87(2)(b) was on parole at the time of the incident. He resided with his grandmother, § 87(2)(b) at § 87(2)(b). Senior Parole Officer Taylor traveled to the house with several parole officers as well as Sergeant Grieco and Police Officer Bojkovic. § 87(2)(b) and § 87(2)(b) were the only civilians present at the time. The parole and police officers did not possess a search warrant. The parole officers entered the house and searched § 87(2)(b)'s bedroom on the second floor and the living room on the first floor. Sergeant Grieco and Police Officer Bojkovic also entered the house at some point as well. A search of a suitcase in the living room found two firearms inside. Sergeant Grieco and Police Officer Bojkovic subsequently arrested both § 87(2)(b) and § 87(2)(b) and charged them with criminal possession of a weapon.

§ 87(2)(b) stated that at the start of the incident, she received a telephone call from an individual who identified himself as a parole officer. The parole officer told her that he was there to see § 87(2)(b). § 87(2)(b) told § 87(2)(b) that his parole officer was there. She looked outside and saw a large group of plainclothes officers. Several of these officers had jackets with the word "POLICE" written on the back. § 87(2)(b) assumed that the officers wearing jackets were police officers and that the others were parole officers. § 87(2)(b) went downstairs, while § 87(2)(b) waited upstairs. Several officers, some of whom were wearing jackets that said "POLICE," went into § 87(2)(b)'s room on the second floor and searched inside. § 87(2)(b) followed the officers upstairs. § 87(2)(b) asked one of the officers what was happening. § 87(2)(b) identified this officer as Police Officer Bojkovic, but did not explain how she identified him. Police Officer Bojkovic stated that they had

received information stating that there were firearms inside the house. An unidentified police or parole officer then told § 87(2)(b) that a gun was found in a suitcase somewhere on the first floor. The officers placed both § 87(2)(b) and § 87(2)(b) under arrest and transported them to the 67th Precinct stationhouse. When § 87(2)(b) was eventually released from custody and returned home, she found that the beds in all of the house's bedrooms, including her own and § 87(2)(b)s, had been turned over. She therefore concluded that the officers had searched the entirety of the house after she was arrested.

Senior Parole Officer Taylor stated that he traveled to § 87(2)(b) with a team of several parole officers. The team was engaged in "delinquency work," which he described as looking for parole absconders and conducting parole inspections. Senior Parole Officer Taylor explained that parole officers are empowered to inspect parolee's residences. This authority extends to rooms under the specific control of the parolee, such as their bedroom, and common areas used by the parolee. It does not extend to the bedrooms of other residents in the same house. Senior Parole Officer Taylor's team determines in advance which parolees they visit based on a number of factors, including the individual parolee's criminal history, the occurrence of violent crimes in the parolee's neighborhood, and tips that they receive from NYPD officers. Senior Parole Officer Taylor declined to state what specific reasons led his team to visit § 87(2)(b) on April 8, 2019. He acknowledged that Sergeant Grieco accompanied his team that day and that Sergeant Grieco had given him information about parolees in the past. He declined, however, to state whether Sergeant Grieco provided him with any information about § 87(2)(b). He declined to state whether Sergeant Grieco stated that he had information indicating that there was a firearm in § 87(2)(b). Senior Parole Officer Taylor also declined to state whether any other officers provided him with information about § 87(2)(b). When the parole officers arrived at the house, either § 87(2)(b) or § 87(2)(b) admitted them inside. Sergeant Grieco and Police Officer Bojkovic waited outside. The parole officers searched § 87(2)(b)s bedroom, where six forged credit cards were found, and the living room, where two handguns, two magazines (one of which was extended) and several rounds of ammunition were found inside a suitcase. Once the firearms were found, Senior Parole Officer Taylor invited Sergeant Grieco and Police Officer Bojkovic inside to arrest § 87(2)(b) and § 87(2)(b) and to take custody of the credit cards, firearms, magazines and ammunition. He denied that the police officers entered the premises prior to the discovery of the weapons. Sergeant Grieco and Police Officer Bojkovic called additional officers to the location to collect the evidence. Senior Parole Officer Taylor and the other parole officers then left the location.

Sergeant Grieco stated that earlier in the day on April 8, 2019, he received information from a confidential informant that § 87(2)(b) was in possession of multiple firearms at § 87(2)(b). He did not know where the firearms were allegedly located inside the house, if a specific individual would be in immediate possession of the firearms, or how many firearms were alleged to be in the house. Sergeant Grieco found that § 87(2)(b) was on parole. He reached out to Senior Parole Officer Taylor and requested that he conduct a parole visit on § 87(2)(b). Sergeant Grieco also informed Senior Parole Officer Taylor that § 87(2)(b) was in possession of a firearm. Sergeant Grieco was not aware of the specific conditions of § 87(2)(b)s parole, but noted that parole visits are a common condition of release. Sergeant Grieco did not know if Senior Parole Officer Taylor would have conducted a parole visit without his request. Sergeant Grieco and Police Officer Bojkovic accompanied the parole officers to § 87(2)(b). They waited outside while the parole officers entered. Eventually, Senior Parole Officer Taylor came out of the house and told Sergeant Grieco that they had discovered firearms inside. Sergeant Grieco then went into the house's living room and shown the guns found inside the suitcase. He arrested both § 87(2)(b) and § 87(2)(b) and requested the Evidence Collection Team to come and retrieve the guns.

§ 87(2)(b)s and § 87(2)(b)s arrest reports were both prepared by Police Officer Bojkovic. They

were both charged with several counts of criminal possession of a weapon, as well as six counts of forgery and possession of a forged instruments. The narrative stated that § 87(2)(b) and § 87(2)(b) were found to be in possession of two loaded firearms, a large quantity of loose ammunition, and a quantity of fraudulent credit cards during a parole operation (Board Review #01).

Two clips of BWC footage recorded by Sergeant Grieco and Police Officer Bojkovic is attached in IAs #41-42 (Board Review #02-03). At the start of both clips, an unidentified parole officer escorts the two police officers inside. She shows them to the living room on the first floor, where she reports that she found firearms inside a suitcase. Sergeant Grieco and Police Officer Bojkovic then place both civilians under arrest.

Based on the BWC footage, the investigation credited Sergeant Grieco's and Senior Parole Officer Taylor's assertion that the parole officers entered the house and searched it before any police officers went inside. The parole officers invited the police officers into the building after they discovered the firearms in the living room.

A parolee's constitutional right to be secure against unreasonable searches and seizures is not violated when his residence is searched, without a search warrant, by a parole officer if the latter's conduct is rationally and reasonably related to the performance of their duty as a parole officer. A parolee's status may not be exploited to allow a search which is designed solely to collect contraband or evidence in aid of the prosecution of an independent criminal investigation People v. Huntley, 43 N.Y.ed 175 (1977) (Board Review #16).

A parole officer may conduct a warrantless search of a parolee's residence when they receive information from a police officer indicating that a parolee has violated the terms of their parole. The presence of a police officer during a parole officer's warrantless search does not invalidate the search. People v. Candelaria, 63 A.d.2d 85 (App. Term, 1st Dept., 1978) (Board Review #17).

§ 87(2)(g)

§ 87(2)(g)

Senior Parole Officer Taylor § 87(2)(g) declined, however, to state why he and the other parole officers entered and searched § 87(2)(b) § 87(2)(b). He declined to state what, if anything, Sergeant Grieco told him about § 87(2)(b) prior to the search. He acknowledged that he sometimes uses information obtained from police officers as a factor in determining whether to conduct warrantless searches of parolee's residences but declined to explain the specific factors that led him to conduct this specific search on § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review #18).
- Sergeant Grieco has been a member of the service for fourteen years and has been a subject in 33 cases and 76 allegations, of which eight have been substantiated:
 - 201111996 involved a substantiated allegation of entry of premises. The Board recommended that he receive a Command Discipline. The NYPD imposed Instructions.
 - 201207718 involved a substantiated stop allegation. The Board recommended that he receive Charges. The NYPD imposed a Command Discipline.
 - 201405351 involved a substantiated entry of premises allegation. The Board recommended that he receive Charges. He was found to be Not Guilty at an NYPD administrative hearing.
 - 201800398 involved substantiated allegations of search, threat of summons, vehicle search and vehicle stop. The Board recommended that he receive Charges. The NYPD has not yet imposed discipline.
 - 201901422 involved a substantiated allegation of threat of force. The Board recommended that he receive Formalized Training. The NYPD imposed Instructions.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on January 13, 2020. The results will be included in the case file upon receipt.
- § 87(2)(b)'s criminal case is still open. His next court date is scheduled for § 87(2)(b).
- § 87(2)(b), § 87(2)(a) CPL 160.50
- § 87(2)(b)
- According to OCA, § 87(2)(b) has not history of convictions in New York City (Board Review #19).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date